

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEAGEN INC.,

Plaintiff,

v.

DAIICHI SANKYO CO., LTD.,

Defendant,

ASTRAZENECA PHARMACEUTICALS LP, and
ASTRAZENECA UK LTD,

Intervenor-Defendants.

Civil Action No. 2:20-CV-00337-JRG

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Seagen Inc. (“Seagen”) and Defendants Daiichi Sankyo Company, Limited (“Daiichi Sankyo Japan”), AstraZeneca Pharmaceuticals LP, and AstraZeneca UK Ltd. (collectively “the Parties”) respectfully submit this Joint Motion to Amend the Docket Control Order.

The Parties have met and conferred, and respectfully request that the Court enter the proposed amended schedule as shown in the table below.

The Parties have agreed to amend the Docket Control Order to extend the deadlines to Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof and to Serve Disclosures for Rebuttal Expert Witnesses, with the understanding that Plaintiff’s experts opining as to the validity of the asserted claims and the damages owed will be available for deposition between December 21-23.

The Parties have agreed to keep the November 15, 2012 Deadline to Complete Fact Discovery and File Motions to Compel Discovery, but have provided an exception for limited fact depositions, including the deposition of Peter Senter and Todd Simpson on November 17-18, 2021, and December 3, 2021, respectively.

The Parties believe there to be good cause to amend the Docket Control Order to extend the deadlines as reflected below in light of the holiday season.

DATE	NEW DATE	EVENT
April 4, 2022		*Jury Selection – 9:00 a.m. in Marshall, Texas
March 7, 2022		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ¹
February 28, 2022		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
February 22, 2022		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
February 22, 2022		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations

¹ The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

DATE	NEW DATE	EVENT
February 14, 2022		<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroborts@txed.uscourts.gov.</p>
February 7, 2022	February 14, 2022	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
February 7, 2022	February 14, 2022	Serve Objections to Rebuttal Pretrial Disclosures
January 31, 2022	February 7, 2022	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
January 18, 2022	January 25, 2022	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
January 10, 2022	January 20, 2022	<p>*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.² Motions for Summary Judgment shall comply with Local Rule CV-56.</p>

² The Parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.”

DATE	NEW DATE	EVENT
December 27, 2021	January 6, 2022	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
December 27, 2021	January 6, 2022	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
December 20, 2021	December 23, 2021	Deadline to Complete Expert Discovery
December 6, 2021	December 13, 2021	Serve Disclosures for Rebuttal Expert Witnesses
November 15, 2021		Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 15, 2021	November 22, 2021	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

Dated: November 8, 2021

Respectfully Submitted,

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If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 8th day of November 2021, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirement in Local Rule CV -7(h) regarding this Motion on October 21, 2021. The Parties are in agreement and are seeking joint relief.

/s/ Melissa R. Smith